

REMARKS

REJECTIONS UNDER 35 U.S.C. § 103

Claims 28, 36 and 37 were rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 5,586,338 issued to Lynch et al. (*Lynch*) in view of U.S. Patent No. 6,405,038 issued to Barber et al. (*Barber*). Applicant submits that claims 28, 36 and 37 are not rendered obvious by *Lynch* in view of *Barber* for at least the reasons described below.

Amended independent claim 28 recites, in part, the following:

determining whether support for the particular applications needs to be detected quickly if neither the first nor the second SID is identified in the SID table;

performing a first detection process if support for the particular applications needs to be detected quickly; and

performing a second detection process if support for the particular applications does not need to be detected quickly.

Claim 37 recites similar limitations. The Office Action cites *Lynch* as disclosing the limitations of the previous version of claim 28 except that it does not disclose determining whether a low priority detection process is sufficient and performing a high priority detection process if the low priority detection process is insufficient. Applicant agrees that *Lynch* fails to disclose this limitation. Furthermore, Applicant submits that *Lynch* fails to disclose the limitation of currently amended claim 28, which recites performing a first detection process if support for the particular applications needs to be detected quickly and performing a second detection process if support for the particular applications does not need to be detected quickly.

Additionally, *Lynch* explicitly states that the system in *Lynch* can only be used “as long as...at least one received SID from each band is stored in the subscriber unit.” See column 9, lines 5-8. In other words, the system described in *Lynch* is only operable if the received SID matches a SID stored in the subscriber unit. In direct contrast, Applicant’s amended claim 28

recites determining whether support for the particular applications needs to be detected quickly if **neither the first nor the second SID is identified in the SID table**. *Lynch* not only fails to teach this limitation of claim 28, but also explicitly teaches against the invention as claimed in claim 28.

The Office Action cites *Barber* as disclosing a method of low-priority detection process for determining particular cellular service support and performing a high priority detection process for detecting the particular cellular service support if the low priority detection process is determined to be insufficient. Applicant strongly disagrees with this characterization of *Barber*. Applicant has amended claim 28, not for the purpose of overcoming the rejection based on *Barber*, but for the purpose of clarity. Applicant submits that *Barber* fails to cure the deficiencies of *Lynch* for at least the reasons set forth below.

Barber discusses a method and apparatus for selecting a cellular carrier frequency for accessing cellular airtime services based on a prioritized list of preferred SIDs. See Abstract. *Barber* does not teach or suggest determining whether **particular applications** are supported by a cellular service provider, as claimed by Applicant.

Barber is only concerned with a process of selecting a cellular carrier based on a selection priority level assigned to SIDs stored in a memory list of a cell phone, a process which takes place *after* and *independent of* the detection of SIDs. Even if the manner in which SIDs are detected in *Barber* were somehow connected to the process of selecting a cellular carrier (Applicant contends there is no such connection), there is no suggestion in *Barber* of detecting anything other than SIDs. Furthermore, *Barber* does not suggest that detecting be performed in different ways. More specifically, *Barber* does not teach, disclose, or suggest performing a first detection process if support for particular applications needs to be detected quickly and

performing a second detection process if support for the particular applications does not need to be detected quickly, as claimed by Applicant. *Barber* does not cure the deficiencies of *Lynch*. Therefore, Applicant respectfully submits that claims 28 and 37 are not obvious in view of *Lynch* and further in view of *Barber*.

Claim 36 depends from claim 28. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits that claim 36 is not obvious in view of *Lynch* and *Barber*.

Claims 29, 30, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lynch* and *Barber* in view U.S. Patent No. 6,311,060 issued to Evans (*Evans*) and further in view of U.S. Patent No. 6,044,265 issued to Roach (*Roach*). Applicant submits that claims 29, 30, and 38 are not rendered obvious by *Lynch* and *Barber* in view of *Evans* and further in view of *Roach* for at least the reasons described below.

Evans was cited as disclosing that a control message is referred to as a page and SID is carried in the control channel. *Roach* is cited as disclosing a method of identifying the SID by a NPA. Whether or not *Evans* and *Roach* disclose the limitations cited in the Office action, neither *Evans* nor *Roach* cure the deficiencies of *Lynch* and *Barber* as discussed above. Claims 29 and 30 depend from claim 28. Claim 38 depends from claim 37. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits that claims 29, 30, and 38 are not rendered obvious by *Lynch* and *Barber* in view of *Evans* and further in view of *Roach*.

Claims 31-34 and 39-42 were rejected under 35 U.S.C § 103(a) as being unpatentable over *Lynch* and *Barber* in view of *Evans* and further in view of U.S. Patent No. 5,159,625 issued to Zicker (*Zicker*). Applicant submits that claims 31-34 and 39-42 are not rendered obvious by

Lynch and *Barber* in view of *Evans* and further in view of *Zicker* for at least the reasons set forth below.

Claims 31-34 depend from claim 28. Claims 39-42 depend from claim 37. As discussed above, claims 28 and 37 are not obvious in view of *Lynch*, *Barber*, and *Evans*. *Zicker* is cited as teaching the exchange of data between host and a remotely programmable cellular mobile radiotelephone. *Zicker* does not cure the deficiencies of *Lynch*, *Barber*, and *Evans*. Therefore, given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits that claims 31-34 and 39-42 are not rendered obvious by view of *Lynch* and *Barber* in view of *Evans* and further in view of *Zicker*.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 28-34 and 36-42 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Applicant has included a copy of all claims in the attached appendix for the Examiner's convenience.

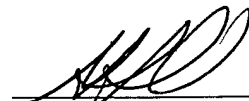
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Respectfully submitted,
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Date: _____

4/20/05



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